IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINETEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and
HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No.4547 of 2002

Between:

Alla Subba Reddy,

S/o Subba Rami Reddy,

Aged about 57 years,

R/o Chillakur village and Mandal,

Nellore district.

..... PETITIONER

AND

1. State Level Committee of Aqua Culture Authority,

rep. by its Chairman-Secretary,

Fisheries Department,

Govt. of A.P., Hyderabad.

2. District Level Committee of Aqua Authority,

rep. by its Chairman-District Collector,

Nellore.

3. Mandal Revenue Officer,

Kota Mandal,

Nellore district.

4. A.P. Pollution Board,

District office at Dagarmetta,

Nellore district.

5. Alla Narayana Reddy,

S/o Subbarami Reddy, Aged 42 years.

6. Alla Hymavathamma,

W/o Narayana Reddy, 36 years

(Both are R/o Chillakur village and Mandal, Nellore district)

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ direction, order or other orders declaring the action of the respondents 1 and 4 in not preventing the illegal unauthorised construction and cultivation of prawn culture by respondents 5 and 6 in the lands in S.No.442/6-B and 444/9-C of Chillakur village and Mandal, Nellore district, as wholly arbitrary, illegal and void and consequently direct the respondents 1 to 4 to take action in the direction of preventing the cultivation of prawn culture in the ponds constructed in Sy.Nos.442/6-B and 444/9-C of Chillakur village and Mandal, Nellore district and close the same.

Counsel for the Petitioner :Mr. M.P.CHANDRAMOULI

Counsel for the Respondent Nos.1 to 3: Govt. Pleader for Revenue

Counsel for the Respondent No.4 : Mr. S.V.Bhatt

Counsel for the Respondents Nos.5 & 6: Mr. P.Sridhar Reddy

The Court made the following :

ORDER: (Per Hon'ble the Chief Justice)

Grievance made by the petitioner is inaction of respondents 1 to 4 in preventing the alleged illegal and unauthorised construction and cultivation of prawn culture by respondents 5 and 6 in the land in Sy.Nos.442/6-B and 444/9-C in Chillakur village and Mandal, Nellore district.

As per the counter-affidavit of the fourth respondent Board filed in December, 2002 it is stated that their inspection revealed that respondents 5 and 6 have converted their agricultural land into fish/prawn culture ponds without taking prior permission from the Aqua Culture Authority.

There is no counter-affidavit filed by any other respondents. Considering the facts and circumstances of the case, we allow the writ petition with direction to first and third respondents to ensure that in case respondents 5 and 6 are continuing with the aqua culture activity in their agricultural land without prior permission from the Aqua Culture Authority, they will ensure that such cultivation is stopped and appropriate action be taken to ensure that aqua culture activity without its prior permission is not undertaken. Respondents
1 and 3 will ensure due compliance of the provisions of relevant law, within a period of two months from the date of receipt of writ order from the Court.

The writ petition is accordingly allowed.

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DEVINDER GUPTA, C.J.

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C.V.RAMULU, J

19-08-2004

bsc

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this Thursday, the Nineteenth day of August,
Two Thousand and Four.

Sd/-

Special Officer

To

1. The Chairman-Secretary,

State Level Committee of Aqua Culture Authority,

Fisheries Department,

Govt. of A.P., Hyderabad.

2. The Chairman-District Collector,

District Level Committee of Aqua Authority,

Nellore.

3. Mandal Revenue Officer,

Kota Mandal,

Nellore district.

4. A.P. Pollution Board,

District office at Dagarmetta,

Nellore district.

5. 2 CCs to Govt. Pleader for Revenue, High Court buildings,

Hyderabad (OUT)

6. 2 C.D. copies